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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-ninth session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 15 August 1997, at 3 p.m.

Chairman: Mr. BENGOA

later: Mrs. WARZAZI

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GE.97-13521 (E)

The meeting was called to order at 3.20 p.m.

HUMAN RIGHTS OF INDIGENOUS PEOPLES:

(a) INDIGENOUS PEOPLES AND THEIR RELATIONSHIP TO LAND (agenda item 7) (continued) (E/CN.4/Sub.2/1997/15 and 17 and Corr.1; E/CN.4/Sub.2/1997/CRP.1)

1. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism) said that although, 20 years after the international conference of non-governmental organizations (NGOs) on discrimination against indigenous peoples in the Americas, the situation of those peoples had improved, much still remained to be done. At the present time the most pressing problem was to ensure the rapid adoption by the United Nations of the draft declaration on the rights of indigenous peoples in its present form and to establish a permanent forum at the highest level, such as in the Office of the United Nations Secretary-General. Unfortunately its adoption was being hampered by the persistent attempts of certain States to amend the present draft text that had been drawn up after years of discussion. In that connection she noted that an Indigenous Peoples' Caucus had prepared a questionnaire addressed to States asking whether they supported the draft; the majority of the replies received had been positive. It would therefore appear that, despite the difficulties being encountered, the draft declaration was not an unrealistic instrument.

2. Land rights in particular were of primary importance to all indigenous peoples. Mrs. Daes, the Special Rapporteur entrusted with the task of preparing a working paper on indigenous people and their relationship to land had emphasized in her preliminary report (E/CN.4/Sub.2/1997/17) the profound relationship that these peoples had to their lands. In that respect, the relatively unknown case of the Banaban people was worthy of mention. Following the discovery of phosphates on Banaba in 1900, the Banabans had signed documents authorizing the extraction of phosphates at a remarkably low price for 999 years, without really understanding what their action implied. During the Second World War they had been forcibly removed from their island by Japanese forces - receiving absolutely nothing from the Government of Japan by way of compensation - and had been resettled on Nauru, Kosrae and Tarawa and then transferred after the War by the United Kingdom to one of the Fiji Islands. It was said that only 500 of them remained on Banaba. One of the measures recommended by Mrs. Daes to resolve the land problems of the indigenous peoples was to establish mechanisms for peaceful negotiation between those peoples and the Governments concerned, namely Japan, the United Kingdom, Australia, New Zealand and Fiji in the case of the Banabans. The adoption of a United Nations declaration on the rights of indigenous peoples would therefore be particularly useful to them.

3. Her organization once again wished to reiterate its opposition to bio-prospecting activities, such as those implied by the human genome diversity project, which specifically targeted indigenous peoples since their DNA was very often unique. Moreover, research focusing on genetic differences between populations had been used to validate a racial hierarchy. The Sub-Commission should therefore act before it was too late.

4. Mrs. Warzazi took the Chair.

5. Mr. GARCIA PICOLA (Pax Romana) noted that, despite the trend emerging in international law in favour of guaranteeing the land rights of indigenous peoples in the framework of the ILO's Indigenous and Tribal Peoples Convention No. 169, the draft United Nations declaration on the rights of the indigenous peoples and the proposed Inter-American Declaration on the Rights of Indigenous Peoples, it was clear from the preliminary working paper prepared by Mrs. Daes (E/CN.4/Sub.2/1997/17) that at the present time indigenous peoples were the only ones to be deprived of their property without compensation. In certain Latin American countries even the law continued to be amended to their detriment. In Mexico, for example, as a result of the amendment of article 27 of the Federal Constitution and of the Land Law in 1992, collectively-held land could now be privatized - a step that was in the interests of national and multinational agro-industrial enterprises. Moreover, Peru's Congress had recently adopted a Land Title Law which discriminated against the indigenous peoples, since it was applicable only to one segment of the rural population, namely, communities in the coastal region, and which contained provisions that could result in the confiscation and sale of indigenous lands by the State. That Law also deprived the indigenous communities of adequate legal procedures to assert their claims - a problem to which Mrs. Daes had moreover referred (ibid., para. 46). The promulgation of such laws was incompatible with the international obligations assumed by States.

6. Furthermore, at the Sub-Commission's previous session, the Working Group on Indigenous Populations had emphasized that only too often agreements concluded between Governments and indigenous organizations remained a dead letter. For example, by recently rejecting a constitutional reform proposal, the Mexican Government had flouted the agreements concluded in February 1996 with the country's most representative indigenous organizations. A unilateral rejection of that nature constituted a violation of the rule of law.

7. In conclusion, he said that his organization was awaiting with interest Mrs. Daes' final report and supported the establishment of a permanent forum for indigenous peoples structured along the lines of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean. In its view, moreover, the Sub-Commission should expressly condemn the Mexican and Peruvian Governments in the resolution it adopted on the human rights of indigenous peoples.

8. Ms. SHAUMIAN (International Institute for Peace) said that minorities were victims of discrimination thrice over, namely, of history, geography and circumstances, of ethnic, religious, social or political prejudice, and of law. Despite the fact that the rights of minorities and indigenous peoples had been discussed on numerous occasions by the Commission and Sub-Commission, the problem remained acute and had even become worse in many parts of the world, particularly in countries containing several nationalities and where ethnic or religious differences were aggravated by territorial conflicts. When violence was the result not only of conflicts between a majority and a minority but also of clashes of interests among the minorities themselves, it was pointless to promote a programmed solution, as was clear from the conflict between northern Ossetia and Ingushetia. In that region of the Caucasus, many

minorities that had previously been persecuted and exiled by Stalin had been rehabilitated and allowed to return home. Unfortunately that act of moral and judicial reparation had created other problems, since the new occupants of the land in question had refused to yield their place to the repatriates. The resulting conflicts that the central authorities had been powerless to prevent, except through a kind of permanent armed intervention, had resulted in victims on both sides. Even international peacekeeping forces had been unable to prevent thousands of people from becoming refugees once more.

9. Her organization was of the view that the Sub-Commission should take a fresh look at such complicated conflicts which, in the last analysis, could be resolved only by the political leadership of the States concerned. To that end, it should persuade the Governments concerned to find the time and means necessary to bring about reconciliation. Unfortunately, certain observers and NGO representatives at the session were adding fuel to the fire of conflicts instead of searching for compromise solutions. Moreover, the leaders of multi-ethnic States must try to reconcile opposing demands, namely, the right to ethnic sovereignty and the insistence on territorial integrity. But it should be first determined whether such demands justified shedding the blood of the innocent.

10. Ms. CECHUROVA (Transnational Radical Party) noted that the question of indigenous peoples had remained unaddressed for much too long and that very few Governments had shown any interest in the draft declaration on the rights of indigenous peoples when it was being drawn up by the Sub-Commission's Working Group. However, since the draft had been transmitted for finalization to the Inter-sessional Working Group, a number of States, feeling themselves threatened by the growing assurance of the indigenous peoples and the increasing favour they enjoyed with the public, were trying to limit the scope of that instrument. A number of Governments of Asian countries in particular were emphasizing the need to define the term "indigenous peoples", while claiming that there were no such peoples in their country. That was an obvious attempt to abort the process. In the view of her organization, the draft declaration which had reached the final stage of a democratic process and reflected consensus between the representatives of indigenous peoples and the Sub-Commission's experts, in many ways reflected a minimum standard for the survival of indigenous peoples. It should therefore be adopted in its present form, without change. Her organization also noted that indigenous delegations which had played an important part in the drafting process, had been completely excluded from the decision-making process at the Working Group's second session in October. For that reason, their participation at all stages of the procedure must be formalized, for otherwise the declaration would lose its significance. Her organization also rejected the argument advanced by the Governments that opposed the inclusion in the draft declaration of articles on self-determination, that international law was not clear on the question. On the contrary it was quite obvious that the right to self-determination was a right of "all peoples" and consequently that it could not be denied to indigenous peoples.

11. The adoption of the draft declaration in its present form would restore hope to the peoples of West Papua and the Chittagong Hill Tracts as well as to the Ogoni and others whose rights were being continuously violated. In West Papua, extrajudicial executions, disappearances, torture and arbitrary

detention, for which the Indonesian armed forces were responsible, were increasing. She noted that the international community was historically responsible for that situation, since in 1969 the United Nations General Assembly had accepted the outcome of the so-called "Act of Free Choice", which had resulted in the incorporation of West Papua in Indonesia. The situation in the Chittagong Hill Tracts was equally critical, since the Constitution of Bangladesh failed to recognize the distinct identities of the indigenous peoples and the Government refused to go back on its population transfer policy and to demilitarize the area. The armed forces present were responsible for a wide range of human rights violations, such as rape, sexual abuse, arbitrary arrests and torture.

12. Her organization noted with satisfaction that certain Governments had increasingly expressed concern about the oppression of indigenous peoples in most parts of the world and that good work was being done within the United Nations on behalf of the draft declaration. Yet the adoption of a declaration was not enough, and further attention should be given to the protection of the rights of indigenous peoples by ensuring respect for existing international instruments. For that reason it called upon the Sub-Commission to support the work of the Special Rapporteur on indigenous peoples. It was also in favour of the establishment of a permanent forum for indigenous peoples at a suitable level within the United Nations system that would enable it to discuss not only human rights issues but also economic, social, cultural and political problems, as well as education and health.

13. Mr. ALFONSO MARTÍNEZ explained why he was unfortunately unable to submit his final report on the study of treaties, agreements and other constructive arrangements between States and indigenous populations. He recalled that the Commission on Human Rights, in its decision 1996/109, had endorsed the Sub-Commission's recommendation that the Special Rapporteur should include in his final report the conclusions of a field mission he was to undertake to New Zealand in order to examine the contemporary significance of a historic treaty, namely, the Waitangi Treaty. Unfortunately, owing to his workload, he had been unable to leave before 12 May 1997. Although a new Government had been formed at that time and its policy on Maori questions had not yet been clearly formulated, he had succeeded in establishing useful contacts with the authorities and with Maori representatives; those contacts had thrown new light on the question. Unfortunately, having returned on 25 May, he had had only about 20 days to submit his report to the Working Group, namely, 10 weeks before the session, so that it could be translated, issued and distributed. Since he had not wished to scamp a long and difficult - but hopefully useful - study, he had decided to delay the presentation of his final report which would however be submitted before the end of 1997.

14. He added that his third interim report on the question, which he had introduced orally at the previous session, had been issued as document E/CN.4/Sub.2/1996/23.

15. Mr. Bengoa resumed the Chair.

16. Mr. CHERNICHENKO expressed the hope that the report would also be available in Russian.

17. Ms. HOPKINS (International League for the Rights and Liberation of Peoples) said that Mexico's 10 million indigenous peoples (of a total population of 93 million) were the rejects of Mexican neoliberalism. As in June 1996 the World Bank had stated that 85 per cent of Mexico's population were poor, it was therefore surprising that the Federal Government intended to earmark only 0.19 per cent of the 1997 Federal budget for the implementation of programmes to combat malnutrition, low educational levels and the high drop-out rate.

18. On the question of land, the amendment in 1992 of article 27 of the Constitution, which had stated that social ownership of the land was one of the inalienable rights of peasants, had opened the door to the privatization of the few fertile lands still owned by the indigenous peoples. Furthermore, in 1996 the Secretary for Agrarian Reform had stated, under pressure from the landowners, that no more land was available for distribution to the peasants. That had resulted in an increase in the number of land disputes and the intensification of repression in indigenous regions and not only in those where the Zapatista National Liberation Army and the People's Revolutionary Army were active. The army's presence in indigenous communities, in violation of article 129 of the Constitution, resulted in a large number of human rights violations, such as the harassment of the population, including children, arbitrary detention, forced disappearances, torture and extrajudicial executions. In addition arbitrary acts were carried out by paramilitary groups, which were financed by large landowners and tolerated if not supported by the authorities and the Institutional Revolutionary Party (PRI), and which had during previous years killed several hundred peasants, for the most part indigenous inhabitants, particularly in the States of Chiapas, Vera Cruz and Hidalgo.

19. Ms. SPALDING (World Federation for Mental Health) said that, in closing the session of the "Transforming 21st Century Health" panel, Mr. Littlebear, a Cheyenne "indigenous languages" expert, had expressed the conviction that if action were taken to restore the languages and consequently the cultures of the indigenous peoples that had been suppressed if not destroyed by the colonial Powers, they would be better able to cope with the ravages of substance abuse and alcoholism which prevailed in their communities.

20. If a "holistic health" approach were to be adopted, there was another element that should be taken into consideration, as had been emphasized by Mrs. Daes in her report (E/CN.4/Sub.2/1997/17, para. 65), namely, "the profound, highly complex and sensitive relationship that indigenous peoples have to their lands, territories and resources". In her conclusion, Mrs. Daes went so far as to state that "the very survival of indigenous peoples is at risk due to the continuing threats to their lands, territories and resources". In its Programme on Mental Health, WHO also emphasized psychosocial competence which was "a person's ability to maintain a state of mental well-being and to demonstrate this ... while interacting with others, his/her culture and environment". Yet for indigenous inhabitants, that relationship with the environment had cultural, spiritual and religious dimensions that should not be overlooked.

21. Her organization was gratified that the International Decade of the World's Indigenous People was helping to promote the recognition of those peoples. The interview they had been granted by the Director-General of the

International Olympics Committee, the ceremony commemorating 20 years of participation by indigenous peoples in United Nations meetings and Mrs. Robinson's appointment as High Commissioner for Human Rights offered the indigenous peoples hope that an end would be put to the degradation of their environment and their cultural and spiritual values.

22. Ms. PROVO KLUIT (Pax Christi International), noting that it was impossible to define an indigenous nation and people, said it was the right of indigenous peoples themselves and not Governments to decide what constituted those two concepts. Her organization welcomed the fact that the draft declaration on the rights of indigenous peoples in its present form recognized that right, which was part of the fundamental right to self-determination.

23. In her view, the permanent forum for indigenous peoples should be established during the International Decade of the World's Indigenous People, who should be closely associated with the task of determining its mandate - which should be as broad as possible - and with its operation. Moreover, the forum should be set up at the level of the Economic and Social Council and be financed from the ordinary budget of the United Nations.

24. Her organization welcomed several positive developments with regard to conflicts involving certain indigenous peoples in various regions where a dialogue had been established between those people and the Governments concerned. That had been done in Bangladesh, although the Government was continuing to withhold real autonomy from the peoples of the Chittagong Hill Tracts. Her organization also hoped that the ceasefire recently concluded between the Indian Government and the National Socialist Council of Nagaland would result in a political solution. With respect to Bougainville, it expressed the hope that the new Papua New Guinea Government would be able, with the help of the New Zealand Government, to find a political solution that respected the fundamental human rights of the people of Bougainville.

25. In other regions, however, the problems faced by indigenous peoples had become more acute. For example, the indigenous peoples of West Papua which had been arbitrarily incorporated in Indonesia 35 years previously on the basis of an agreement between the Netherlands and Indonesia, had been evicted from their lands by the Indonesia Army to make way for multinational mining enterprises that were severely degrading the environment. Moreover, the Indonesian Government was bringing a large number of migrants into the region in order to marginalize the indigenous population. In Chile, the pauperization of the Mapuche as well as the exploitation of their natural resources and degradation of their environment was continuing despite the establishment of democracy. For example, it was planned to construct a power station that would flood 3,400 hectares of land and displace 700 families. In British Columbia (Canada) the situation of the Nuxalk people had also deteriorated owing to forest exploitation, which was threatening their environment. Lastly, in Australia, the new Government appeared to be turning its back on some of the progressive policies adopted in respect of Australian aboriginals by its predecessor.

26. Mrs. DAES, introducing her preliminary working paper on indigenous people and their relationship to land (E/CN.4/Sub.2/1997/17), prepared in accordance with decision 1997/114 of the Commission on Human Rights, said that

the international community was to an increasing extent acknowledging that the ancestral rights of indigenous peoples to their lands and natural resources were essential to their economic and cultural survival, as was illustrated by the measures taken by certain States in that respect as well as by ILO Convention No. 169 (art. 13), Agenda 21 of the United Nations Conference on Environment and Development, the World Bank's Operational Directive 4.20, the draft United Nations declaration on the rights of indigenous peoples (art. 25) and by the draft Inter-American Declaration on the Rights of Indigenous Peoples prepared by the Inter-American Commission on Human Rights. Nevertheless, many countries had not yet adopted laws or policies to protect indigenous land rights, and in countries where such laws had been adopted, their application was encountering major obstacles.

27. The many problems tackled in the working paper could be incorporated into an analytical framework (CR.III), which would help to throw light on them and suggest possible solutions on the basis of the major principles embodied in the Universal Declaration of Human Rights, in the international covenants on human rights and in the draft United Nations declaration on the rights of indigenous peoples. That of course implied prohibition of any discrimination, the right to self-determination, the preservation of indigenous cultures and the elimination of poverty.

28. Throughout the life of the Working Group on Indigenous Populations, indigenous peoples had emphasized the fundamental issue of their relationship with their homelands, territories and resources and the continuing threat to the latter which placed their very survival at stake. Only recently had the international community begun to understand that doctrines of dispossession, namely, conquest, discovery and terra nullius, were illegal and racist. For example, in 1975 the International Court of Justice had ruled that the doctrine of terra nullius had been erroneously applied against the tribal peoples of the Western Sahara. More recently, the High Court of Australia had, in its decision in the Mabo v. Queensland case, concluded that the doctrine was "unjust and discriminatory". That decision had given rise to the Native Title Act, adopted by the Australian Government in 1993, establishing a framework and mechanism enabling aboriginal peoples in Australia to secure land rights. Yet those peoples had reported to the Working Group that they were experiencing great difficulties with the Act, which demonstrated that eurocentrism continued to be evident in legal theory and thought, and that such attitudes had trapped indigenous peoples in a legal discourse that failed to take into account their distinct cultural values, beliefs, institutions and perspectives.

29. The various positive measures likely to resolve indigenous land issues discussed in section IV of the working paper could be divided into five groups, namely, judicial mechanisms, mechanisms for negotiation, constitutional reform and framework legislation, indigenous people's initiatives and human rights standards. In that connection she said that the observations submitted by the Permanent Mission of Australia on the subject of those measures (E/CN.4/Sub.2/AC.4/1997/CRP.2) would be taken into account in her final working paper.

30. In her conclusion (section V), she emphasized the need to adopt a fluid and flexible approach to the various problems involved. She also recognized that an important evolution was taking place in respect of the relationship

between the indigenous peoples and their lands which offered an opportunity to both indigenous peoples and States to contribute to the progressive development of human rights standards. The final working paper could provide the basis for the identification and analysis of innovative legal procedures and positive measures being taken by States and indigenous peoples in that area. It also intended to build upon the standard-setting activities of the United Nations system by providing a practical orientation for the land rights standards developed in the draft United Nations Declaration on the rights of indigenous peoples.

31. In her recommendations (section VI), she suggested that the preliminary working paper should be transmitted to Governments and indigenous communities and organizations, as well as to the competent organs and bodies of the United Nations system, with a request to provide further relevant information and to submit comments to the Special Rapporteur as soon as possible, so that they could be taken into account in the final working paper, to be submitted to the Working Group on Indigenous Populations at its sixteenth session and to the Sub-Commission at its fiftieth session.

32. In conclusion, she invited Governments, indigenous peoples and the United Nations to prepare for the next century in a spirit of cooperation and respect for human rights.

33. Mr. DE ICAZA (Observer for Mexico) said that there was increasing recognition in Mexico of the need to speed up the economic and social development of indigenous peoples and to recognize and respect their cultural identity. Since the adoption of a constitutional amendment in 1992, his country's Constitution recognized the multi-ethnic composition of the country and stated that the law should protect and promote the development of the languages, cultures, customs, resources and specific forms of social organization peculiar to the indigenous peoples and guarantee them genuine access to State bodies. Although that amendment did not offer an immediate solution to the ancestral problems of the indigenous peoples it constituted a vital legal milestone.

34. A national consultation on human rights and the participation of indigenous peoples, in which 56 ethnic groups had taken part, had been held in Mexico in 1996. The Federal Government was using the results of the consultation to draw up a national programme for the development of indigenous peoples that was intended to satisfy their needs in the areas of food, health, education, housing, transport and communications, the administration of justice and enjoyment of their civil and political rights. Furthermore, in the national development plan for the period 1995-2000, it had given priority to the eradication of the extreme poverty in which the indigenous peoples lived. As a result, in 1996 over 1 million indigenous children had benefited from the educational system, 3 million persons had received health care and the direct food aid programme had continued to assist thousands of families in 17 States. Other measures were also being taken to improve the situation of ethnic groups in the States of Chiapas and Puebla as well as that of women in rural areas. Furthermore, almost 150,000 land titles had been granted to indigenous peoples in respect of almost 1 million hectares of land.

35. Those various activities were being carried out in parallel with the many continuing programmes embarked upon by the Mexican Government to improve social welfare facilities for indigenous peoples and to speed up economic development for all citizens. In Mexico marginalization was the result of poverty and not a matter of skin colour, although it was recognized that the indigenous peoples were the ones most affected by poverty. In his efforts to combat extreme poverty, the President of Mexico had, on 6 August 1997, launched the national education, health and food programme, the purpose of which was to break the vicious cycle of ignorance, disease, unhealthy conditions and malnutrition by making available scholarships (particularly to girls), health services, the distribution of supplementary foodstuffs to small children and their mothers and a cash allowance to needy families - a list of whom, in the interest of objectivity and transparence, was first submitted to assemblies of indigenous communities for approval.

36. At the international level, Mexico had already expressed its support for the establishment of a permanent forum for indigenous peoples and the rapid adoption of the draft declaration on the rights of indigenous peoples, which would constitute one of the major achievements of the International Decade of the World's Indigenous People. It also called upon States which had not yet done so to ratify ILO Convention No. 169, to which it was one of the few States parties. Lastly, his Government reaffirmed its determination to find a just and durable solution to the conflict in the State of Chiapas. It had been impossible to incorporate the San Andres agreements in national legislation because of technical and legal problems - which would be overcome by appropriate legislation - and not, as had been stated previously, because of the Government's lack of will to apply those agreements. It was precisely because all branches of the Government - executive, legislative and judiciary - at both the Federal and State levels should and wished to apply the law that it must be applicable.

37. In conclusion, he read out a communiqué from his Government dated 11 August 1997 in which it welcomed the establishment by the Zapatista National Liberation Army of a political organization, namely, the Zapatista National Liberation Front, which demonstrated that the Mexican legal context offered peaceful means of tackling and resolving any problem.

38. Mr. CAVEZ (Observer for Peru) said that since Peru was a multi-ethnic and multicultural State, its indigenous peoples enjoyed special protection. The Constitution recognized every citizen's right to maintain his identity and use his own language. Indigenous languages were therefore the official languages in regions where they were predominant. The cultural diversity of the country, inhabited by 72 ethnic and linguistic groups, was protected by the Constitution and the land rights of peasant and indigenous communities were imprescriptible.

39. His delegation appreciated the valuable work done by the Working Group on Indigenous Populations under Mrs. Daes. As for the establishment of a permanent forum for indigenous people, Peru considered that exchanges of views on the matter should continue with the participation of indigenous peoples. In that connection it welcomed the Chilean Government's initiative in organizing the second workshop on the permanent forum for indigenous people at

Santiago on 30 June and 1 July 1997, at which it had been possible better to organize the debate and focus it on three major issues, namely, the mandate of the forum, the body to which it was to be subordinate and its financing.

40. The question of its mandate was the most important of the three. Indeed, the absence of any criteria in the matter explained why several Governments were viewing the establishment of the forum with a certain amount of reticence. In that connection Peru had indicated on several occasions that the permanent forum should not duplicate other United Nations bodies and that its sphere of activity should depend to a great extent on the final wording of the draft declaration on the rights of indigenous peoples. His delegation believed that the Working Group should, at its third session, embark upon the process of adopting certain articles of the draft in view of the existence both among Governments as well as representatives of indigenous communities, of the constructive spirit and flexibility necessary in that respect. It would be most regrettable for the future of the declaration if minority positions were to stand in the way of the presentation of tangible results to the Commission on Human Rights at its fifty-fourth session. As for the body to which the forum would be subordinate, he said it would be premature to express a preference so long as its mandate had not been decided upon. Lastly, Peru was of the view that the permanent forum should be financed from the ordinary budget of the United Nations without, of course, prejudice to any voluntary contributions that might be made. In view of the budgetary constraints at present being experienced, a reordering of expenditure to ensure such financing should be envisaged.

41. Peru, which considered that it was for the State to represent the interests and aspirations of all its citizens, and in particular its indigenous peoples, was prepared to consider any solutions likely to protect and promote indigenous rights. It was therefore of the view that consideration of the establishment of a permanent forum for indigenous populations should continue.

42. Mr. LEPATAN (Observer for the Philippines) thanked the various international organizations, and in particular UNDP and ILO, as well as the many Governments which had provided the Philippines with assistance and support with a view to the formulation, adoption and implementation of programmes for indigenous peoples. For example, in response to the UNDP-ILO Mission's study, which had made it possible to identify the major problems of the indigenous peoples, his Government had drawn up a draft national plan for indigenous peoples whose application entailed broad and intensive consultations with all those concerned. That plan, whose main objective was to assist indigenous peoples in the pursuit of their right to self-determination and which was to be embarked upon in January 1998, called for the adoption of laws and policies to protect and promote the rights of indigenous peoples, to speed up the process of delimiting ancestral land and issuing land titles, to affirm the diversity and integrity of indigenous cultures, to interface indigenous knowledge systems and practices with national programmes and to strengthen indigenous organizations.

43. His Government recognized that the question of land was central to the problem of indigenous peoples. A bill on the rights of indigenous peoples which was at present before Congress was designed to confer on indigenous

peoples rights of ownership to their ancestral lands and all the natural resources they contained, as well as the right of self-governance and cultural, social and human rights. The bill, which provided for a mechanism for the enforcement of such rights, would be adopted before the end of the year. In the meantime, the Government had taken steps to preserve the claims of indigenous peoples to their lands by issuing certificates of individual or collective ancestral domain claim in respect of a total area of over 1 million hectares. The Government had also formulated an ancestral domain management plan under which the indigenous peoples themselves would decide what land management regime was to be adopted on the basis of their traditional systems.

44. Since the Philippine Government realized that development projects might impinge on the rights of indigenous peoples, its policy was to hold consultations and negotiations with the peoples affected before any development project was implemented. Protection of the rights of indigenous peoples and promotion of their welfare was a priority part of the Government's social reform agenda, as well as of its environmental protection and sustainable development programmes.

45. Mr. ANDA (Observer for Ecuador), referring to a statement by the International Institute for Peace concerning the situation of indigenous peoples in Ecuador and in particular recent events, said that his Government, true to its tradition of ensuring complete respect for human rights and fundamental freedoms and aware of the essential role played by indigenous and peasant communities in the political life of the country, had embarked upon a dialogue with them in order to reach a rapid and effective solution to the problems being encountered.

The meeting rose at 5.35 p.m.